

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
FILE NO. 5:08-cv-00403-FL

SMD SOFTWARE, INC., a North Carolina corporation, and SITELINK SOFTWARE, LLC, a North Carolina limited liability company,

Plaintiffs,

vs.

EMOVE, INC., a Nevada corporation, and WEB TEAM ASSOCIATES, INC., a Nevada corporation,

Defendants.

**ORDER GRANTING DEFENDANTS'
MOTION TO FILE CERTAIN PORTIONS
OF THEIR SUPPLEMENTAL
MEMORANDUM OF LAW IN SUPPORT
OF THEIR MOTIONS *IN LIMINE* AND
CERTAIN EXHIBITS TO THEIR
SUPPLEMENTAL MEMORANDUM OF
LAW IN SUPPORT OF THEIR MOTIONS
IN LIMINE UNDER SEAL**

This the 25th day of January, 2014, Defendants' Motion to File Certain Portions of their Supplemental Memorandum of Law in Support of their Motions *in Limine* and Certain Exhibits to their Supplemental Memorandum of Law in Support of their Motions *in Limine* Under Seal, which was filed with the consent of Plaintiffs, is GRANTED and the following materials SHALL BE FILED UNDER SEAL: (1) that portion of the supplemental memorandum that contains the Plaintiffs' revenue information, (2) excerpts from Robert M. Myers' deposition transcript, attached as Exhibit B to the supplement memorandum, (3) excerpts from Ross Lampe's and Plaintiffs' 30(b)(6) August 24, 2010 deposition transcript, attached as Exhibit C to the supplemental memorandum, (4) excerpts from Markus F. Hecker's and Plaintiffs' 30(b)(6) August 26, 2010 deposition transcript, attached as Exhibit D to the supplement memorandum, (5) excerpts from Nicholas M. Didow's October 31, 2013 deposition transcript, attached as Exhibit H to the supplemental memorandum, (6) excerpts from Carson Bays' November 1, 2013 deposition transcript, attached as Exhibit I to the supplemental

memorandum, (7) excerpts from Markus F. Hecker's June 2, 2011 deposition transcript, attached as Exhibit L to the supplemental memorandum, (8) excerpts from Oscar Lee ("Tom") Litton's March 19, 2012 deposition transcript, attached as Exhibit N to the supplemental memorandum, (9) the documents Bates Labeled eMove 2026-2195 which relate to U-Haul International, Inc.'s ("UHI") revenue from equipment rentals, attached as Exhibit O to the supplement memorandum, (10) the documents Bates Labeled eMove 2702-2722 which relate to UHI's revenue from equipment rentals and other retail sales of goods and services Plaintiffs and Defendants do not offer, attached as Exhibit P to the supplemental memorandum, and (11) the document Bates Labeled eMove 4220 which relates to UHI's revenue from insurance premiums, attached as Exhibit Q to the supplemental memorandum, (hereinafter collective "the Proposed Sealed Materials").

The Court further finds that:

1. The Defendants' Motion is consented to by all the parties;
2. The Proposed Sealed Materials all contain material designated as "confidential" by the parties, namely non-public information regarding: the Plaintiffs' revenue information, customer information, expense information, sales data, and pricing information, and UHI's revenue and profit information;
3. The nature and quality of such material justifies sealing the material, despite the competing interests of the public, because the publication of such private and confidential information would be harmful to the parties' business interests and competitive standing, and no alternative to sealing is adequate; and

4. The parties' interests in maintaining the confidentiality of these documents and information override any constitutional or common law right of public access which may attach to the documents and/or information at issue.

SO ORDERED, this the 25th day of January, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Court Judge